

PTO/SB/21 (09-04)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/920,394	<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b> <b>NOV 01 2004</b>
	Filing Date	August 1, 2001	
	First Named Inventor	Crooka et al.	
	Art Unit	1635	
	Examiner Name	J. Schulz	
Total Number of Pages in This Submission	6	Attorney Docket Number	ISPH-0589

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD  <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 4 pp. Letter 1 pp. Interview Summary	Remarks  Customer No. 36441
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	HOWSON AND HOWSON	
Signature	<i>Mary E. Bak</i>	
Printed name	Mary E. Bak	
Date	October 28, 2004	Reg. No. 31,215

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature	<i>Tracy U. Palovich</i>	
Typed or printed name	Tracy U. Palovich	Date November 1, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DOCKET NO.: ISPH-0589

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 09/920,394 Confirmation No.: 4398

Applicant : Crooke et al.

Filed: : August 1, 2001

TC/A.U. : 1635

Examiner : J. Schultz

Customer No. : 36441

Title : ANTISENSE MODULATION OF ACYL COENZYME A  
CHOLESTEROL ACYLTRANSFERASE-1 EXPRESSIONCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450RECEIVED  
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NOV 01 2004

LETTER

Sir:

A Notice of Appeal was filed on June 17, 2004 in response to the Office Action, made final, and dated March 22, 2004, in the above-identified application. The Notice was received in the United States Patent Office on June 21, 2004. Applicants' representatives subsequently interviewed the application on July 12, 2004. Prior to the filing of a Brief on Appeal due October 21, 2004 with a two month extension, Applicants filed a Request for Continued Examination (RCE) dated October 14, 2004 with an Amendment and Petition for Extension of Time.

## Certificate Under 37 CFR § 1.8

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on November 1, 2004

Signature: Tracy U. Palovich

Name:

Tracy U. Palovich

DOCKET NO.: ISPH-0589

PATENT

This paper provides the Substance of the Interview under 37 CFR 1.133, which was inadvertently omitted from the Amendment and other papers filed with the RCE.

While Applicants believe that the Examiner's Interview Summary Record, and the October 14, 2004 Amendment provide a complete record of the issues discussed at the interview, the paper is filed to ensure that the record is complete.

Please enter the attached statement under 37 CFR 1.133 appearing on pages 3-4 of this letter, if the examiner considers such statement necessary to clarify the record.

DOCKET NO.: ISPH-0589

PATENT

**Statement of Substance of the Interview Under 37 CFR §1.133**

As stated in the attached copy of the Examiner's Interview Summary of July 12, 2004, Applicants' representatives Donna Ward and Paul LeGaard were granted the courtesy of an interview with Examiner J. Douglas Schultz on the above-identified application. Applicants express their appreciation for the interview.

Although the Response and Amendment filed with RCE is believed to discuss all of the issues discussed in that interview, Applicants submit herewith this statement to ensure its complete and proper recordation of the substance of the interview in compliance with Rule 133.

1) No exhibits were shown.

2) Claim 1 was discussed.

3) The prior art documents discussed were Taylor et al. 1999 *Drug Disc. Today*, 4(12):562-567 (Taylor) and Abstract of Japanese Patent Publication 06172186 (Toyama).

4) As stated in the Examiner's Interview Summary record, the principal proposed amendment of claim 1 discussed was whether claim 1 should incorporate the ACAT-1 sequence identified "SEQ ID NO: 3" to clarify the claim language.

5) The principal arguments presented to the Examiner were whether Taylor supported a reasonable expectation of success in making inhibitory oligos, and the argument is clarified in the Amendment dated October 14, 2004. Also discussed was the question of whether Taylor was peer-reviewed, which is also clarified in more detail in the Amendment. Also discussed was whether Toyama must be translated or whether the English translation of the

DOCKET NO.: ISPH-0589

PATENT

abstract was sufficient. This argument is further expanded in the Amendment.

6) No other pertinent matters were discussed.

7) As indicated on the Interview Summary, agreement with respect to the claims was not reached.

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees to our Deposit Account Number 08-3040.

Respectfully submitted,

HOWSON AND HOWSON  
Attorneys for Applicants

By

Mary E. Bak  
Mary E. Bak  
Registration No. 31,215  
Spring House Corporate Center  
Box 457  
Spring House, PA 19477  
Telephone: (215) 540-9200  
Telefacsimile: (215) 540-5818

150H-0589

<b>Interview Summary</b>	Application No. 09920,394	Applicant(s) CROOKE ET AL.	
	Examiner J. Douglas Schultz, Ph.D.	Art Unit 1835	

All participants (applicant, applicant's representative, PTO personnel):

(1) J. Douglas Schultz (3) Donna Ward

(2) Paul LeGaard (4) \_\_\_\_\_

Date of Interview: 12 July 2004

Type: a) ☐ Telephonic b) ☐ Video Conference  
c) ☒ Personal (copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 1.

Identification of prior art discussed: Taylor et al.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed the extent to which Taylor et al. supports a reasonable expectation of success in making inhibitory oligos of the type claimed. Also discussed the abstract of Toyama and whether a translation would be necessary for consideration on the IDS. Lastly discussed the claim 1 recitation of antisense inhibitors to any ACAT target.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

J. Douglas Schultz  
Examiner's signature, if required

150H-589